



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2207411
Applicant Name : Brittani Ard for Jolly Construction
Address of Proposal: 2635 NE 120th Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to construct a two story single family residence with an attached garage.

The following approval is required:

- **Variance** - To allow a parcel not meeting minimum lot size in a Single Family 7200 zone.
(required 7200 sq. ft., proposed 5,582.2 sq. ft.).
Seattle Municipal Code Section 23.44.010A)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND DATA

Subject Site and Vicinity

The proposal is located in a Single Family 7200 zone. The proposed site is an approximately 5,582.2 sq. ft. triangular-shaped vacant parcel located on the west side of NE 120th where it dead ends. The site abuts the parking area of a car rental business and tanning business to the east and to the north and south abuts Seattle Parks Department property which contains a portion of Thornton Creek. The

project received a full Environmentally Critical Areas (ECA) exemption under DPD project #2207414. The exemption was granted based on information submitted showing all land disturbing activity occurring outside of the ECA areas and their required buffers.

The zoning to the east, north and south along Lake City Way consists of commercial zones and commercial uses. The site and to the west of the site the area is zoned Single Family 7200 and is developed with single family residences.

Proposal Description

The applicant proposes to construct a two story, approximately 1,870 sq. ft single family residence on an undersized parcel.

Public Comment

The comment period ended March 24, 2004. DPD did not receive any written comments on this proposal during the comment period.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The lot area of 5,582.2 sq. ft. is currently less than the required 7200 sq. ft. minimum lot size requirement of the zone. This parcel was originally a portion of the site containing a Denny's Restaurant (now Enterprise Car Rental and a tanning salon) to the east and Parks Department property containing Thornton Creek (to the south and west). The permit for the Denny's Restaurant was issued and the construction completed in 1971. The Denny's lot has since been sold to a different owner. The portion of the site now owned by the Parks Department was acquired in 1995.

There are currently three lots within the same vicinity that contain less than the minimum lot size. Two triangular shaped lots located along Hiram Place NE, 12005 and 12030, to the north of the site that are 6,695 sq. ft. and 4,000 sq. ft. and another parcel at 12036 Hiram Place that is 5,300 sq. ft. Also the lots located along Hiram Place NE have the appearance of smaller lots because of the steep slopes to the rear of the properties. Although this parcel is not located along Hiram Place, it is the closest street (containing single family zoning and development) in which this parcel could be compared. NE 120th Street is not currently improved to the north of the site and the closest residence to this proposal is located approximately 20 feet above and across the unimproved right of way from the site. The site will also appear to be as large as adjacent sites and will not negatively affect any block fronts because the adjacent park property will help portray the appearance of a larger lot.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The requested variance does not go beyond the necessary to afford relief as the applicant will build one single family residence on this single family zoned parcel. The new single family residence will meet all development standard requirements for single family zones.

The variance will not be a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located as there are three other parcels in the close vicinity that also enjoy single family residences on parcels not meeting the minimum lot size. King County Assessor's records for the parcel located at 12005 Hiram Place NE shows a lot size of 6,695 sq. ft., the parcel located at 12030 Hiram Place NE is shown as 4,000 sq. ft. and 12036 is shown as 5300 sq. ft.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

The proposed lot will meet all development standards provisions for lots in the single family zone.

Also, the project received a full Environmentally Critical Areas (ECA) exemption under DPD project #2207414. The exemption was granted based on information submitted showing all land disturbing activity occurring outside of the ECA areas and their required buffers. Conditions of approval for the exemption will be added to the end of this analysis and decision.

Therefore, granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties; and*

The strict application of the Land Use Code would cause undue hardship as the applicant would not be able to utilize this site for its intended single family use.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space.

The spirit and purpose of the Land Use Code also assumes flexibility as an important directive to allow the owners of property in single family areas maximum use and enjoyment of their land. The granting of the variance will not adversely affect the physical characteristics of the use of the surrounding neighborhood. The granting of the variance to allow the maximum use of the proposed site would be consistent with the spirit and purpose of the Land Use Code and should be granted.

DECISION - VARIANCE

The proposed action is **GRANTED WITH CONDITIONS.**

After the Issuance of a Building Permit and Prior to Construction

1. The applicant shall install a highly visible fence to be placed the full width of the property a minimum of 25 feet north of the south property line.
2. The applicant shall place a silt fence on the north side of the highly visible fence.

During Construction

3. All construction activities shall be limited to area north of the silt fence.

Prior to Occupancy

4. The applicant shall remove the fences required in conditions 1 and 2 above.

Signature: _____ (signature on file) Date: May 27, 2004

Lori Swallow, Land Use Planner
Department of Planning and Development

LS:bg

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